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WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

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HAS UTAH PAID ANY COURT
EXPENSES?

One of the many falsehoods which have been manufactured for the purpose of inflaming the public mind procuring legislation of a character, suited to the plans of those who want to gain control of Utah and her exchequer, is that the Legislature has refused to appropriate any money for the expenses of the District Courts. This untruth has been permitted, like others equally base and groundless, to go forth uncontradicted, because the facts are easy to be ascertained if people want the truth and are not disposed rather to accept fiction. However, we think it well enough to deny this statement concerning the expenses of the courts and give a few figures in support of that denial.

It was belief in a similar falsehood which led Congress, in 1876, to do great injustice to Utah, an act which has never been repaired, although the proofs of the wrong have been plainly presented. Urged on by the misrepresentations of the "Liberal" ring here, made through George R. Maxwell, who contested Mr. Cannon's seat, Congress diverted the appropriation for the Legislative expenses of this Territory to the use of the courts as our national lawmakers had been led to believe that Utah had not and would not make any appropriation for court expenses. This was totally untrue, but the falsehood was accepted for a fact and the division of funds was made in the same spirit that prompted the sending of an army to Utah in 1857 to punish the "Mormons" for wrongs never committed and which were subsequently proven to have been nothing but infamous fabrications.

By the Organic Act the judicial power of this Territory was vested in a Supreme Court, District Courts, Probate Courts and in Justices of the Peace, the jurisdiction of which was to be limited by law. Cases arising under the laws of the United States were to be tried in the District Courts with appeals to the Supreme Court, and the United States attorney conducted such cases while the United States Marshal served processes and performed the duties of the officer of these courts, which were also endowed with general common law and chancery jurisdiction.

The jurisdiction of the Probate Courts was "limited by law" passed by the Legislative Assembly. They exercised judicial authority in civil and criminal cases, with appeals to the District Courts. A Territorial Attorney was appointed to attend to cases arising under the laws of the Territory, and a Territorial Marshal to serve processes in such cases. Under this condition of affairs the Territory paid all the court expenses in territorial cases and they were watched and strict economy used in all expenditures. But in 1874 when the Poland bill was passed, Congress arbitrarily legislated away our Territorial Attorney and Marshal as well as the civil and criminal jurisdiction of our Probate Courts, and devolved the duties of the officers named upon the United States Attorney and Marshal, who are not amenable to the Territory in any way, and therefore should not handle territorial funds. Further, the Legislature had provided by law for the payment of all jurors and witnesses fees out of the treasuries of the respective counties where the parties lived. But the Poland bill provided that the court expenses, under United States officers, be remembered, should be paid out of the Territorial Treasury. This was a stretch of authority that could not but be regarded with disfavor. If the Territory is to pay any expenses they should be disbursed by its own officers.

As a sample of the difference between the expenses of the courts

under our own court officers, and those since they were abolished, take the figures for the years 1870, to 1873, inclusive, and for 1874 to 1880 inclusive. For the years first named under the Territorial Marshal, the expenses amounted to \$6,939.23. In the latter, under United States officers to \$90,000. But has the Territory made any appropriation for such expenses since the passage of the Poland bill? Certainly. From 1874 to 1876 the law passed in '74, making it the duty of the County Courts to pay jurors and witnesses fees prevailed and \$5,940.35 was paid by the counties for that purpose. Since then, appropriations for court expenses have been made every session. In 1876, \$22,000 was appropriated therefor out of the Territorial Treasury for '76 and '77, and there was a deficiency of \$18,000. In 1878 this deficiency was paid and \$11,000 appropriated for '79 and '80 and there was a deficiency of \$22,508. In 1880 \$35,000 was appropriated to cover that deficiency and provide for '80 and '81, and there is a deficiency of \$30,000 making a total of \$90,000. These amounts are for jurors and witnesses fees only, but there are other court expenses which have been paid out of the Territorial Treasury as can be seen by reference to the appropriation bills. And in addition to this \$90,000 paid by the Territory the amount belonging to the Legislature, namely \$23,500, was given to the courts and was soon swallowed up in a manner which it would be very interesting for Congress to understand.

Thus the falsehood that Utah does nothing for criminal expenses of the courts is easily refuted. And it is also to be seen that Utah appropriated \$40,000 for those expenses incurred in 1876-7 while Congress diverted the pay of the Legislative Assembly under a mistaken impression. The members could have obtained their *per diem* by appropriating exactly \$23,500, but they would not be forced into such payment under the threat of stopping their wages, and so appropriated \$22,000 for court expenses, and afterwards \$18,000 to cover the deficiency, making the sum of \$40,000 for the two years named.

Reference to the Auditor and Treasurer's reports will show that a very large proportion of the revenue of the Territory has been paid out for the expenses of the District Courts in criminal cases, and the county financial reports will prove that considerable sums are paid annually for prosecutions in the Justices' Court. And as the District Courts' expenses for criminal prosecutions increase in such an alarming ratio instead of fault being found with the Legislature for supposed injustice, something will have to be done to increase the revenue or decrease those expenses, or there will be little left in the Treasury for any other public expenses.

Falseness is doing its work again in Congress and all over the country, and in consequence of it laws are proposed which are antagonistic to the fundamental principles of our Government just to strike a blow at the rights and liberties of the people of Utah. Would it not be wise for our national legislators to investigate without prejudice before being led further into injustice by the untruthful assertions of cunning and unprincipled schemers with an eye to pelf and plunder?

THE "MORMONS" AND THE
INDIANS.

HARPER'S WEEKLY for Feb. 18 has one of Nast's cartoons, in which a squabby, seated figure supposed to be an Indian—the costume rather than the features suggesting the idea—is approached by a person looking like one of Nast's southern "rebels" but supposed to be a "Mormon"—the lines beneath conveying the information—who, with rifle in hand and pistol in coat-pocket, is encouraging the Indian to "much kill pale face," by promise of "much guns, much ammunition and much whiskey." It is related of an amateur artist that after painting the picture of a certain quadruped, he wrote underneath it "This is a cow." Nast has, in this instance, been compelled to adopt a similar plan, for if it was not for the lines below the cartoon, no one would imagine that the lean figure with the gun is meant for a "Mormon." The phraseology used by Nast shows as much ignorance of the broken English used in conversation with Indians as his cartoon does of his misapprehension of the whole matter.

The Nast Cartoon is silly enough, but the accompanying remarks of the editor of *Harper's Weekly* are worse. They are as follows:

"The reported alliance between the Mormons and Indians, which forms the subject of Mr. Nast's cartoon creates great uneasiness in Arizona and New Mexico. Scouts and other well-informed persons assert that the Mormons are furnishing the Indians with arms, ammunition, provisions and whiskey, and that there is a prospect of a general uprising in the Spring. Secretary Kirkwood has instructed the United States Indian agents to exercise the utmost diligence to ascertain the exact truth of these charges, and to promptly report any evidence of interference with the tribes under their control."

This slander is one of the instruments used by the schemers who are figuring for the control of Utah, to stir up animosity against the "Mormons." There is not a word of truth in it except that a rumor of the kind mentioned has reached Washington and attracted the attention of the Secretary of the Interior. That there is "great uneasiness in Arizona about it," is simply a falsehood without foundation or excuse. "Scouts and other well-informed persons," is good. They are wonderfully reliable sort of informants on such questions, are they not? Did anybody ever hear of "scouts" stuffing timid people with frightful stories about Indians, tomahawks and scalping?

But who is the scout or other equally well-informed person that started this story about "Mormons" and Indians? Who is the settler in Arizona that feels any uneasiness about the report? That would puzzle the editor of *Harper's Weekly* to answer. "A general uprising of Indians in Arizona about it," would be more of a disadvantage to the "Mormon" settlers than any one else in that Territory. They are in new and unprotected villages and ranches and would be more at the mercy of armed and drunken savages than other people in that region. The story is perfectly absurd and is merely a very old one revamped. The same stupid yarn was spun about the "Mormons" in early times and has been made to do service against them over and over again, cash time without the slightest foundation in fact and without any evidence to substantiate it.

The very opposite is the truth. The effect of "Mormon" influence upon the Indian mind is to produce submission to civilized regulations and the adoption of the white man's better customs. Wherever "Mormon" settlers have penetrated among the red men quiet and order have taken the place of turbulence, danger and plunder. Before the "Mormons" settled in Arizona the Apaches were the worst tribe of savages with which white men had to contend. The Navajos were only a few degrees better. But when "Mormon" influence was brought to bear upon them they were induced, with but few exceptions, to cease their murderous, vagabond and pilfering ways, and yield obedience to better teachings than those of the wild and bad men among them.

Not a few of the natives of these western wilds have been brought into submission to the gospel of Jesus Christ by the labors of "Mormon" missionaries, who not only teach them to worship God in spirit and in truth, and thus obtain heavenly help to overcome their wicked dispositions, but to till the ground, raise stock and live by industry, instead of stealing, fighting and killing. The "Mormon" Elders in addition to instructing them in theory, demonstrate the benefits of these things by example, and thousands of Indians are now making an honorable living in peace, honesty and sobriety, through that same "Mormon" influence which is so misrepresented in the East by schemers and defamers.

For, be it known, that whosoever gives or sells whiskey to an Indian, or incites him under any pretext to evil deeds, is not in any sense a "Mormon" or Latter-day Saint. For the spirit and letter of "Mormonism" are utterly opposed to such a course, both for white men and red men. If any persons claiming to be "Mormons" are habituated to the use of strong drink themselves, or supply it to the savages, they are not "Mormons" in the true sense, but are renegades to the faith and acting in opposition to the plainest teachings of the Church. And we know of what we speak when we assert that had it not been

for the exertions of some of our leading men, notably Apostles Wilford Woodruff and Erastus Snow, as well as prominent Elders now residing in Arizona, the Navajos and Apaches last fall would have spread devastation and horror through a large portion of that Territory. As Apostle Snow stated in a recent discourse at Logan, which was published in the *EVENING NEWS* of Feb. 18th, the influence brought to bear by our brethren last September and October "did more than all the troops from California, New Mexico and Eastern Arizona in bringing about peace." Friendly Indians, under the counsel of our Elders, brought in the "mad" hostiles by hundreds from the war path and induced them to lay down their weapons.

And we declare to all people on this wide continent that the mission of "Mormonism" to the remnants left of the land, is to raise them from their degradation and evil ways and help them to become honorable, industrious and law-abiding citizens of the United States, land-holders and land-workers and disciples of the Lord Jesus Christ in very deed. We bear witness to this before God Almighty and the holy angels, and we denounce all reports to the contrary as the fabrications of designing men, who are fanning the flames of anti-"Mormon" fanaticism, with no other object in view than to disrupt our local government, that they may work their way into such power as will enable them to grasp and manipulate the treasury and regulate and spend the taxes of the most promising Territory in the American Union. God knows that this is true, we know it, and it ought to be known and understood by all the wise and thoughtful of this great nation. Think, on this, all ye who are rational, and forbear from spreading slander and falsehood to the injury of the innocent!

UTAH LAWS AGAINST SEXUAL
CRIMES.

It is supposed by many persons unacquainted with the people of Utah, that all kinds of sexual vices are practised here with impunity, and that the "Mormons" are a licentious and immoral community. This opinion has been formed through the libels which have been published by designing persons for the base ends, and confirmed by misleading statements concerning the laws of this Territory. It is charged that no laws have been enacted here against adultery, fornication and other crimes of a similar character, and it is argued that the absence of such enactments proves the profligacy of the people.

We purpose to show the facts concerning these matters, that the public may not be misled, that those who know the moral purity of the "Mormon" people, but are not familiar with the statutes of Utah, past or present, may be posted with particulars, and that the truth may be presented in opposition to falsehood.

An act in relation to crimes and punishments, approved March 6, 1852, made ample provisions against the crimes of adultery, rape, seduction, enticement of females for improper purposes, prostitution, lascivious cohabitation, open and gross lewdness and other vile and infamous offences against the person. That law stood upon the statute books of the Territory for twenty-four years, and is to be found in the Laws of Utah, compiled and published in 1870, p. 51-3.

In 1876 the Penal Code was passed, being adapted from the Code of California and recommended to the Legislature by leading members of the Utah bar, and by some at least of the Federal judiciary. Chapter I, Title IX of that Act provides against rape, abduction, carnal abuse of children, seduction, prostitution, etc. That code with these provisions is now in force. It repealed the old statute in relation to crimes and punishments, and does not therefore contain the former provisions against adultery and lascivious cohabitation. For what reason?

One reason is, that the penal code, as stated above, an adaptation from the code of California, prepared by members of the bar, endorsed by Federal Judges and approved and signed by the Governor, superseded the old law with all its provisions. Another reason is that the penalties designed to meet cases of adultery and lascivious cohabitation of unmar-

ried persons, were turned by evil intent against people living in plural marriage, and therefore the Legislature was quite willing that the old law should go, if the new one suited the bar and the courts, and thus the cause of vexatious proceedings could be removed.

Any one with ordinary understanding, can see the difference between adultery and polygamy, and between the lewd and lascivious cohabitation of unmarried persons and the associations of married life, whether in single or plural families. But prosecutions were conducted by malicious district attorneys, assisted by unjust and biased mission Federal judges, to punish polygamy—an offence against a United States law—under the territorial statute against adultery and lascivious cohabitation. These were underhanded and unwarranted proceedings, and warranted the Legislature in adopting the new code recommended so strongly, which did not contain provisions that could be thus perverted to the injury and unlawful punishment of the people. If men were guilty of violating a law of Congress they should have been proceeded against under the provisions of that law, and not under a territorial statute framed against a totally different offence. It would have been just as reasonable and proper to punish a man for the territorial crime of lascivious cohabitation, by enforcement of the congressional law against bigamy, as to enforce the penalties of the law against lascivious cohabitation upon a man accused of polygamy.

The charge, then, that Utah has never enacted laws to punish the gross offences against chastity named above is untrue. Such laws were framed in the early sessions of the Legislature and would have remained in force but for the reasons we have expressed.

The administration of the laws in Utah when directed against the "Mormons" has been extra-judicial and contrary to fair practice and the usual methods in courts of justice. Improper advantages have been taken or sought to be taken, for the purpose of waging warfare against a distinguishing tenet of the majority of the citizens; and thus they have been placed continually on the defense, but we can and do say, without fear of successful contradiction, that there are no people on the earth freer from those crimes against chastity supposed to run riot in Utah than the plural-wedded "Mormons." Their creed inculcates the virtues of self-government, respect for virtue in both male and female, purity of life, control of passion, temperance in all things, and the preservation of chastity. Adultery ranks therein as a capital crime, intercourse outside of the marriage relation as a deep disgrace as well as a heinous sin, and any undue sexual familiarity as degrading, shameful and punishable.

If those who charge the Latter-day Saints with loose morals and disgusting practices would only live as purely and as free from moral taint as the objects of their slander, they would be far more acceptable to God, and suited for the society of virtuous men and women, and better fit to cast a stone against common vice and prevalent immorality.

LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, FEB. 24.

Ladies' Conference.—The next Ladies' Conference, including the Relief, and Y. L. M. I. Societies, will be held earlier than usual, in order to avoid coming too close to the General Church Conference. It will take place on the 10th and 11th of March.

Preserved Flowers.—L. Davis has shown us a wreath of flowers preserved by him. It is very beautiful, and includes a very large variety of floral specimens. The wreath surrounds a photographic likeness of President Garfield and is enclosed in a neat oval frame. It is a fine piece of flower-preserving work.

Another Memorial.—A memorial to Congress is about to circulate among the non-"Mormon" portion of the community which represents purely the business aspects of the present political situation. We are inclined to believe that it will receive the endorsement of a large number of men who have substantial interests at stake, and whose prospects would be blasted by a revolution of the local administration. So far as business is concerned, people must be blind indeed who are unable to see that financial di-